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Varian, Inc.
3120 Hansen Way, M/S D-102
Palo Alto, CA 94304-1030 U.S.A.

To Examiner, Dwayne K. Handy

Company UNITED STATES PATENT AND TRADEMARK OFFICE

Fax number 1.571.273.8300

From Bella Fishman

Date December 12, 2006

Subject US Patent Application No. 10/829,640
Filing Date: April 22, 2004
Varian Docket No. 04-02 US.

Pages (including this sheet) 22

I, Debbie Kus, hereby certify that on December 12, 2006 this correspondence is being transmitted to Examiner, Dwayne K. Handy at the Centralized Facsimile No. 1.571.273.8300 at the US Patent and Trademark Office.

Debbie Kus 12/12/06
Signature Date Signed

Please see the attached Response to the Office Action mailed October 4, 2006 for the above referenced patent application.

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DEC 12 2006

Docket No.: 04-02 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Swon et al.

Serial No.: 10/829,640

Filed: April 22, 2004

Title: APPARATUS AND METHOD FOR
AGITATING A SAMPLE DURING
IN VITRO TESTING

Examiner: Handy, Dwayne K.

Art Unit: 1743

I, Debbie Kus, hereby certify that on December 12, 2006 this correspondence is being transmitted to Examiner Dwayne K. Handy by facsimile to the Centralized Facsimile No. at 1.571.273.8300 at the US Patent and Trademark Office.

 12/12/06
Signature Date Signed

Examiner, Handy, Dwayne K.
Commissioner for Patents
Centralized Facsimile No. 1.571.273.8300

AMENDMENT UNDER 37 C.F.R. § 1.111

Sir:

This is responsive to the Office Action dated October 4, 2006, for which a shortened statutory period for reply is set to expire on January 4, 2007. Favorable reconsideration of the Application is respectfully requested in view of the following Amendments and Remarks.

Amendments to the Specification begin on page 2.

Amendments to the claims are reflected in the listing of claims, which begins on page 5 of this paper.

Remarks begin on page 13 of this paper.